# LETTERS

UPON

# Parliamentary Impeachments,

IN WHICH THE QUESTION IS CONSIDERED,

WHETHER IMPEACHMENTS ARE CONTINUED IN STATUE QUO, FROM PARLIAMENT TO PARLIAMENT, OR ABATE BY A DISSOLUTION?



*BY A BARRISTER AT LAW.*

LONDON:

PRINTED FOR J. STOCKDALE, IN PICCADILLY.

(1790)

# LETTERS.

## LETTER I.

SIR,

I HAVE read in your paper of this day a ſtate of the precedents relative to trials by Impeachment, but it is ſo very imperfectly given, that I had recourſe to the Journals and ſubſequent Parliamentary Proceedings, from whence I have taken the following particulars.

Such of your readers as will be at the trouble to look into the 20th volume of the Journals, page 472 to 475. will find all the precedents of Impeachments collected or referred to, from the reign of Edward the Third to that of George the Firſt.

It appears by theſe precedents that from the earlieſt of our Records down to 1678,

there is not an inſtance of an Impeachment, continuing *beyond one Seſſion of Parliament*.

In 1678, the Lords determined that Impeachments continued in *ſtatu quo*, notwithſtanding a diſſolution, and Lord Stafford, who had been impeached in the preceding Parliament, was tried, convicted and executed.

The attainder was reverſed in the next reign.

Four Popiſh Lords, and the Earl of Danby, who had alſo been impeached in 1678, continued in the Tower until 1683, when they were admitted to bail by the King's Bench.

In 1685 in the firſt meeting of Parliament, theſe Lords preſented a Petition to the Houſe, and in conſidering their caſe, they reverſed, and annulled the Reſolution of 1678, in conſequence of which the Impeachments were diſmiſſed.

Here then are two Reſolutions, both paſſed in very turbulent times, the firſt affirming that an impeachment remained in *ſtatu quo*, notwithſtanding a diſſolution: the

the ſecond reverſing and annulling that Reſolution.

But a third inſtance happened ſoon after. On the 26th of October, 1689, in King William's reign, the Commons impeached the Earls of Saliſbury and Peterborough of High Treaſon.

On the 6th of February following Parliament was diſſolved.

On the 6th of October, 1690, a Committee was appointed to inſpect and conſider precedents, *whether impeachments continue in* ſtatu quo *from Parliament to Parliament.*

On the 30th of the ſame month Report was made from the Committee of Precedents from the Tower as far back as the reign of Edward the Third, and from the Journals which reach to the reign of Henry the 7th, " amongſt all which (the Committee ob- " ſerve) none are found to continue from one " Parliament to another, except the Lords " who were lately ſo long in the Tower, " viz. Lord Danby &c." After conſidering this report, Lord Saliſbury was diſcharged.

Thus it appears that the Reſolution of 1678, that Impeachments continue in *ſtatu quo* notwithſtanding a diſſolution, was intirely unprecedented, and the revival of that Reſolution in 1685, *was approved by th. deciſion of the 30th of October*, 1690.

After conſidering all theſe Precedents in 1717, it was moved, " that the Impeach-
" ment of the Commons againſt the Earl
" of Oxford is determined *by the interve-*
" *ning Prorogation*," but this motion was negatived by 87 to 45, upon which ſome of the diſſenting Lords entered the follow-ing Proteſt.

" Becauſe there ſeems to be no difference
" in law between a prorogation and diſſo-
" lution, of a Parliament, which in con-
" ſtant practice have had the ſame effect,
" as to determination both of judicial and le-
" giſlative proceedings, and conſequently
" this vote may tend to weaken the Re-
" ſolution of this Houſe, May the 22d,
" 1685, *which was founded upon the law*
" *and practice of Parliament in all ages,*
" *without one precedent to the contrary*;
" *except in the Caſes which happened after*
" *th*

" *the Order made the* 19*th of March*, 1678;
" which was reverſed and annulled in
" 1685; *and in purſuance hereof the Earl of*
" *Saliſbury was diſcharged in* 1690."

It appears that a diſtinction was taken in the debate between a prorogation, and a diſſolution, nor can there be a doubt upon an inſpection of the Journals, but that a diſſolution does put a ſtop to an Impeachment, unleſs the Lords upon further conſideration, ſhall reverſe their laſt order.

Mr. Haſtings's Caſe is in one particular perfectly new. There is no precedent of a Trial *actually begun* which was not finiſhed in the ſame ſeſſion, except my Lord Strafford's, in the reign of Charles the Firſt. Before the cloſe of his trial the mode of proceeding was altered, and he ſuffered by a Bill of Attainder, *but it paſſed in the ſame ſeſſion*. The Trial of Mr. Haſtings has continued three years. The poſſibility of ſuch a Caſe never occurred to our anceſtors, nor did the Legiſlature ſuppoſe ſuch an event could happen at any period, unleſs under very peculiar circumſtances, for which proviſion is made in an Act of the 13th of

his preſent Majeſty, which empowers the Chancellor, or Speaker of the Houſe of Commons to *iſſue warrants for the examination of witneſſes in India*, and then enacts that as it would be impracticable to receive the examination taken upon ſuch warrants in the ordinary length of a Seſſion of Parliament, "that from and after the firſt day "of November, 1773, no proceedings in "Parliamant touching any offence committed or to be committed in India, *wherein "ſuch warrant as aforeſaid, ſhall have been "iſſued*, ſhall be diſcontinued by any *Prorogation*, or *Diſſolution of Parliament*, but that "ſuch proceedings may be reſumed and proceeded upon, in a ſubſequent Seſſion, *or in "a ſubſequent Parliament*, in like manner, "and to all intents and purpoſes, as they "might have been, in the courſe of one and "the ſame Seſſion, *any law, uſage, or cuſtom to the contrary notwithſtanding*."

From this Clauſe it is evident, that except in caſes where witneſſes were to be examined in India, the Legiſlature could not conceive the neceſſity to ariſe for continuing any proceeding from Parliament to Parliament.

Mr.

Mr. Pitt's Bill, which erects a new Court for the Trial of offences committed in India, though it takes from Britiſh ſubjects the right of a Trial by Jury, yet in a moſt material inſtance, has ſtrictly conformed to the true ſpirit of Magna Charta, for it enacts, *that after a Trial ſhall have been commenced*, the Court ſhall ſit *every day*, Sundays, Chriſtmas Day and Good Friday excepted, unleſs the Judges (originally fifteen) ſhould by ſickneſs or death be reduced to ten; ſhould one of the ten be abſent by ſickneſs, then the Court had power to adjourn for three days, and no longer at one time, nor under any circumſtances, ſhould there be more than ten adjournments.

The Act further provides, that ſhould the Court be reduced to leſs than ten (a poſſible, but a very improbable event) *the trial ſhall begin de novo*, except as to the depoſitions of witneſſes, (if any) *which ſhall* have been given in writing.

Here appears to be as much attention as could be paid under the circumſtances to *ſpeedy* as well as *equal juſtice*, but the Impeachment as carried on hitherto, is totally unprecedented. Thirty-one of the Judges who

who originally belonged to the Court are dead---the *proſecution* ſtill pending. Many others are politically dead, not being returned to ſerve for Scotland. Others withdrew themſelves during the trial, publickly declaring their reaſons for ſo doing, and the Houſe that voted the articles is dead. Under ſuch circumſtances, and with the precedents that I have quoted, this great and important conſtitutional queſtion will be taken up when Parliament meets. I have ſtated the facts without intending an opinion of what ought to be done.

*Temple, Aug.* 21. A. R.

---

## LETTER II.

SIR,

I Troubled you ſome time ago with a letter upon Impeachments in general, and with ſome obſervations on the Trial of Mr, Haſtings. The ſtate in which this trial was left by the diſſolution, has been the ſubject of much converſation amongſt men

of

of my profeſſion. What I have already written, or may hereafter ſend you upon it, is not with a party view, either for or againſt Mr. Haſtings, but merely with the hope, that men of more legal knowledge than I poſſeſs, ſhould turn their attention to a queſtion, which appears to me of infinite importance, when conſidered in a conſtitutional light.

A caſe ſimilar to that of Mr. Haſtings is not to be met with in the Hiſtory of England. A trial has commenced in the language of law, when articles have been preferred; the anſwer delivered in, and replication made, iſſue being then joined. This was the caſe of the Earl of Oxford, who lay in the Tower two years after this proceſs, before he was brought into Weſtminſter-hall; but when he came there, the trial went on in that ſeſſion to its cloſe, and ſo has every other trial that we read of. In ſome inſtances (Lord Strafford's and Archbiſhop Laud's) the cloſe has been violent. Mr. Haſtings is the only Britiſh ſubject who has been brought three years ſucceſſively before a Court of Juſtice, and

whoſe proſecution were diſſolved before the cloſe of the Proſecution: the caſe that comes neareſt to it, though the difference is very eſſential, is that of Sir Thomas Rumbold.

A Bill of Pains and Penalties was brought in by Mr. Dundas in 1782, and at the cloſe of the ſeſſion, the proceedings were continued for another year by a ſhort Bill, though a prorogation, or *diſſolution* ſhould take place, in the mean time.

They were reſumed in 1783, and the evidence *cloſed on both ſides* in that ſeſſion; but as the Houſe had been very thinly attended while evidence was at the Bar, Mr. Dundas moved, that it ſhould be printed, to enable every Member to give a conſcientious vote upon it; and as the printing could not be finiſhed in time for a deciſion in that year (it being then the 2d of June) he moved for leave to bring in a Continuation Bill *for another year*.

Mr. Sawbridge thought the Bill *cruel* and *unconſtitutional*, and to prolong the buſineſs to another year appeared to him to be ſubverſive of every principle of juſtice and humanity.

Mr.

Mr. Fox was for a deciſion in that ſeſſion if the evidence could be printed in time; if not, it was an act of neceſſity to poſtpone it to another year: it was not a queſtion of party, but one upon which every Gentleman would act with the utmoſt independence, taking reaſon, candour, and juſtice for their guides.

Mr. Rigby ſaid, that to continue a Bill of Pains and Penalties in exiſtence, *though a diſſolution ſhould take place*, ſtruck him as extraordinary and extremely ridiculous; were they to bind five hundred and fifty eight other perſons to abide by evidence which they only had heard?

Mr. Burke ſaid, it was not more abſurd, than it would be for the Commiſſioners of the Great Seal to determine a cauſe, the evidence upon which had been given before the late Lord Chancellor.

Lord North approved of continuing the Bill to the next ſeſſion, but thought there was an impropriety in the word "Diſſolution;" as one Parliament had no right to bind another, it would be abſurd to ſay that five hundred and fifty-eight men ſhould

hear evidence, and another five hundred and fifty-eight men ſhould decide upon that evidence.

Mr. Lee, the Solicitor General, ſaid he always conceived the proceedings to be illegal.

Mr. Dundas ſaid, there were precedents to juſtify the Bill, and it paſſed.

A ſimilar Bill paſſed to continue the proceedings in the caſe of Mr. Haſtings in 1786, limited in like manner, *to one year*, and the Bill never was renewed.

By theſe Bills the preceding inquiries were not to be rendered nugatory in caſe of a prorogation, or a diſſolution, *but they were limited to a year.*

It has, however, been an invariable Parliamentary doctrine, that one Houſe cannot be bound by the deciſions of a former Houſe. To prove this, an hundred inſtances may be brought, and the doctrine was laid down in the cleareſt manner by Lord Beauchamp in the year 1781, when he oppoſed Mr. Burke's Reform Bill, which that Gentleman propoſed on the ground, amongſt others, of the vote of the preceding Houſe, relative to the increaſed influence

ence of the Crown. Lord Beauchamp affirmed, that the Houſe could not, in any degree, be bound by a reſolution of a former Parliament, and therefore he ſhould lay it totally out of the queſtion, and conſider the Bill before him merely upon its merit. If this be true conſtitutional language, it appears equally to apply to the caſe of Mr. Haſtings.

I will ſuppoſe, therefore, that the Lords ſhould reſcind their laſt order, by which Impeachments are determined by a diſſolution, and that they ſhould fix a day for proceeding on the trial of Warren Haſtings, Eſq. then a queſtion perfectly *new* will come before the Houſe of Commons.

The Impeachment was an act (and is ſo expreſſed in the article) of the Knights, Citizens, and Burgeſſes, in *Parliament aſſembled*, in the name of *themſelves*, and of all the Commons of Great Britain. *Themſelves* were the Houſe *then aſſembled*, repreſenting all the Commons of Great Britain. *Themſelves* are not now in exiſtence. The King in virtue of his prerogative, returned them to the maſs of the people. The impeachment therefore, is to all intents and purpoſes

poſes dead and gone, if I am right in my concluſions. But I am equally clear, that *this Houſe* poſſeſſes the power to vote the twenty articles which the laſt Houſe paſſed *totidem verbis*, without the heſitation of a moment. They may do this, in confidence, that the laſt Houſe would not have paſſed ſuch a maſs of matter without due examination, but I ſhould apologize to the Houſe were I to ſay that they would do an act ſo flagrantly unjuſt. They may totally abandon theſe twenty articles, and preſent twenty others, that are totally new. In truth no man can diſpute the Houſe of Commons, as to Impeachments; but their acts *muſt be their own*. The preſent Houſe is a body perfectly diſtinct from the laſt. It cannot ſay, as this Impeachment was a legacy bequeathed to us by the laſt Parliament, we muſt purſue it while we live, and ſo muſt our ſucceſſors when we are no more; ſuch reaſoning would be abſurd in the extreme. If the Lords chuſe to go on, the Commons muſt determine whether they will ſanction the acts of their predeceſſors in the whole or in part, and there are great difficulties to be ſurmounted any way; for it will form a precedent of ſo ſingular a nature, that I dare

ſay

ſay the proceedings will be moſt attentively conſidered.

But if the Lords ſhould abide by their laſt order, and determine as they did in the caſe of Lords Saliſbury and Peterborough, in the reign of William and Mary, that the diſſolution *has* put an end to the Impeachment, and to that opinion the majority of thoſe with whom I have converſed ſeems to incline, then the queſtion in another ſhape comes before the Houſe of Commons, viz. whether Mr. Haſtings ought to be impeached again, or not? If the former, ſhall the Houſe prefer the ſame articles? or ſhall it ſelect ſome of thoſe articles? or ſhall it frame articles totally new, and upon different ground, availing itſelf of all that has paſſed in Weſtminſter Hall, for the chance of hitting their object more ſecurely in this Parliament, than they did in the laſt, and weighing every allegation in their new articles with the utmoſt care? Theſe are very material points to conſider. But admitting that the Houſe ſhould impeach again, then is there any ſatisfaction to be given to Mr. Haſtings, for what he has ſuffered, that he

may

may be enabled again to meet his opponents? Or ſuppoſing the Houſe ſhould not impeach, is a matter of this importance to be left in its preſent ſtate? Theſe points appear to me of ſerious conſequence to the ſecurity of our conſtitution. The power of Impeachment is too valuable to be loſt; but it ought never to be uſed for the purpoſes of oppreſſion. I therefore truſt that this queſtion will be conſidered upon fair ground, and that a full diſcuſſion of it will not be got rid of by a ſide wind; I mean by one Houſe inſiſting upon it that the Impeachment is terminated by the diſſolution, and the other reſolving that it is not. The point ought to be fixed one way or the other.

A. R.

*Temple, Oct.* 2, 1790.

## LETTER III.

SIR,

MY former letters on the ſubject of Impeachments have drawn two replies---the one from "A Student," who agrees with me, that the impeachment is ended in the Commons, and that it muſt be renewed by the preſent Houſe, before the proceedings can be reſumed.

The other reply is from a Gentleman who ſigns himſelf "Honeſtus," and whoſe arguments I ſhall treat with every poſſible degree of reſpect, aſſigning my reaſons for diſagreeing with him, in the concluſion he draws.--

He thinks the queſtion, to be that of all others, which Lawyers are incompetent to decide upon. Now, Sir, with humble ſubmiſſion, I do conceive that a man who has taken ſome pains to underſtand the laws of his country, may without preſumption give his opinion upon the impeachment of Mr. Haſtings.

The whole of the argument of "Honeſtus" is, that as an impeachment is preferred in the name of all the Commons of Great Britain, it cannot poſſibly be deſtroyed by a diſſolution, becauſe the Public is ſtill the ſame.

I wiſh to examine this argument with the utmoſt candour, and the way to do it, will be to reſort to precedents.--

Thoſe who conſult the journals will find that all Impeachments run in the ſame language. Before the Union the articles were exhibited by the Knights, Citizens, and Burgeſſes, in Parliament aſſembled, in the name of *themſelves, and of all the Commons of England*; ſince the Union the Preamble is the ſame with the change only of *England* for *Great Britain*.

There are various inſtances of Impeachments preferred in one Parliament, which were totally neglected by ſucceeding Parliaments; yet if the argument of "Honeſtus" is a ſound one, the proſecution being that of *the people*, a new Parliament muſt of neceſſity reſume it.

I will

I will give three inſtances, which prove it to be optional in the Commons.

Lord Danby was impeached in 1678, and while the proceedings were depending, Charles the Second diſſolved the Parliament. Notwithſtanding all his efforts, the new elections were ſo much againſt the Court that nearly the ſame Members were returned, and they reſumed immediately the proceedings againſt Lord Danby, the Lords having determined that the Impeachments continued in *ſtatu quo*, though a diſſolution had taken place.

This order of the Lords was annulled in 1685. In 1689, the firſt year of the reign of William and Mary the Lords Saliſbury and Peterborough were impeached by the Knights, Citizens and Burgeſſes in Parliament aſſembled, in the name of themſelves *and of all the Commons of England*. Parliament was diſſolved in 1690, and at the meeting of the next Parliament *theſe Lords were diſcharged*. This could not have been the caſe were the doctrine of Honeſtus founded upon law, or upon the practice of the conſtitution.

But the laſt caſe which I ſhall quote, is of a nature that requires the moſt particular attention.

On the 14th of April, 1701, the Houſe of Commons impeached the Lords Somers, Portland, Halifax, and Orford, of high crimes and miſdemeanors, and in the following month ſeparate articles were exhibited againſt three of theſe Lords, by the Knights, Citizens and Burgeſſes in Parliament aſſembled, *in the name of themſelves, and of all the Commons of England.* Lord Portland, tho' he had been impeached the firſt, and in the name of *all the Commons of England*, had no articles exhibited againſt him, though the Lords *reminded* the Commons of this neglect, ſix weeks after his impeachment was carried up. The Commons addreſſed his Majeſty to remove theſe Lords from his preſence, and Councils for ever. A counter-addreſs was preſented by the Lords, to prevent the conduct of men from being pre-judged, againſt whom criminal charges were preferred.

The impeached Lords preſſed *for a ſpeedy trial.* The Lords told the Commons tha

that the perſons impeached had a *right* to what they demanded. The Commons deſired a free conference, at which they inſiſted upon it as a right, that where ſeveral perſons were impeached, they ſhould begin with any one they choſe. They alſo inſiſted upon a joint committee to ſettle the mode of proceeding.

In the courſe of the conferences held upon theſe points, the Lord Haverſham ſaid, that the Commons had allowed men guilty of the ſame crimes (as the impeached Lords had been charged with) to ſit and vote in their own houſe, and therefore he conceived the Commons muſt think the impeached Lords innocent--this ſtrong obſervation broke up the conference--the Commons returned to their own Houſe, which was in a flame on hearing the expreſſion, and voted it moſt ſcandalous, and falſe, and highly reflecting upon the honour, and juſtice, of the Houſe of Commons. They refuſed to meet the Lords again at a conference until puniſhment was inflicted upon Lord Haverſham.

The Lords profeſſed the utmoſt readineſs

to

to ſettle this diſpute; and continued to preſs the Commons to proceed to the trial of the four impeached Lords; at laſt they fixed certain days for their trial. The Commons not only refuſed to attend, but forbad any of their Members to be preſent, and ſaid (which was certainly true) that a trial or an acquittal under ſuch circumſtances, *was a mere mockery.*

The Lords however went into Weſtminſter Hall, made three proclamations, and then acquitted the impeached Lords.

The Commons the day of Lord Somers's trial, came to this reſolution:

" That no member of this Houſe do preſume to appear at the place erected *for the pretended trial* of the impeachment of Lord Somers, under the pain of incurring the utmoſt diſpleaſure of this Houſe."

They reſolved the next day, " That the Houſe of Lords, by the *pretended trial* of John Lord Somers, have *endeavoured* to overturn the right of impeachment lodged *in the Houſe of Commons* by the ancient conſtitution of this kingdom, for the ſafety and protection of the Commons

"againſt

" againſt the power of Great Men, and have " made an invaſion upon the liberties of " the ſubject, by laying a foundation of " impunity for the greateſt offenders."

In another reſolution they accuſed the impeached Lords of an attempt to make a breach between the two Houſes, " *to pro-* " *cure an indemnity for their own enormous* " *crimes.*"

The Commons on the 20th of June, 1701, appointed a Committee to conſider the proceedings between the two Houſes relative to the impeached Lords; but on the 24th of June the King prorogued the Parliament, and diſſolved it on the 11th of November.

This is the hiſtory of theſe proceedings extracted from the thirteenth volume of the Commons Journals.

If we are to credit cotemporary hiſtorians, *all the Commons of England* were exceedingly diſpleaſed with the conduct of their repreſentatives.—Petitions in reprobation of their proceedings were preſented from various places, and the diſſolution, though

though the Parliament had ſat but a ſingle ſeſſion, gave very general ſatisfaction.

The new Parliament met on the 30th of December, 1701, but it never thought of beginning where the laſt left off. It did not revive the committee which the laſt Parliament had appointed to conſider the buſineſs of the impeached Lords, nor did it inſiſt upon thoſe Lords being *really* tried, nor did it impeach them again; yet ſomething of this kind muſt have been done, on behalf *of all the Commons of England*, had not the Impeachment been merely the *act* of the laſt Parliament, and *not of the people*.

But the impeachment of thoſe Lords had made ſo much noiſe, and the delay in bringing them to trial, had cauſed ſuch a ferment amongſt the people, that the new Houſe of Commons took up the buſineſs in a new ſtyle.

The Houſe, on the 26th of February, 1701-2, reſolved itſelf into a Committee, of the whole Houſe to conſider their Rights and Privileges, and came to various Reſolutions, which the Houſe adopted.

The firſt was, That to aſſert that the Houſe of Commons is not *the only Repreſentative of the Commons of England*, tends to the ſubverſion of the Rights and Privileges of the Houſe of Commons, and the fundamental conſtitution of the Government of this kingdom.

The ſecond, that to aſſert that the Houſe can only commit its own Members, tends to ſubvert the Conſtitution of the Houſe of Commons.

The third, That to publiſh any book or libels reflecting on the proceeding of the Houſe, or any Member thereof, for, or relating to his ſervice therein, is a high violation of the Rights and Privileges of the Houſe of Commons.

Having thus defined *their own Rights*, they paſſed two very laudable Reſolutions, in which the *Rights of the People are defined.*

Firſt, That it is the undoubted Right of the People of England to petition or addreſs the King, for the calling, ſitting or diſſolving of Parliaments, and for the redreſſing of grievances.

Second, *That it is the undoubted Right of*

*every Subject of England, under any accuſation either by Impeachment or otherwiſe, to be brought to a ſpeedy trial, in order to be acquitted, or condemned.*

Here, Sir, you ſee a very material diſtinction in the conduct of the two Parliaments with the ſame ſpeaker (Mr. Harley) in the Chair of each Parliament.

Both were equally ſolicitious to preſerve *their own Rights and Privileges*--but, in other reſpects, they differed moſt eſſentially: the firſt Parliament impeached four Lords in the name of themſelves, *and of all the Commons of England.* They ſtrongly reprobated that *pretended tryal* to which thoſe Lords had been brought, they ſtopped the ſupplies, and were proceeding ſtill greater lengths, when they were firſt prorogued, and then diſſolved. The four impeached Lords continued to poſſeſs the confidence of the Sovereign, King William, and of the people too, though they were impeached *in the name of the Commons of England*, and were only brought to a mock trial.

The ſecond Parliament never took up the Impeachment again at all. The impeached

Lords were Cabinet Miniſters of King William, and afterwards of Queen Anne, and poſterity has done juſtice to their characters.

From this account it is obvious, that the *people*, in whoſe names thoſe Lords were impeached, *abhorred the Impeachment*, and that a new Parliament conceived itſelf to be under no neceſſity to follow the ſteps of the old; yet if the doctrine of Honeſtus were conſtitutional, they muſt have taken up the buſineſs, of neceſſity.

I do not profeſs to be very deeply verſed in the caſe of Mr. Haſtings, but, in my next letter, I ſhall ſtate the analogy that it bears to that of the Impeached Lords in the reign of King William; there are circumſtances in the ſituation of publick affairs at that time, and the preſent, which certainly are very ſimilar, and, I truſt, Sir, that a lawyer may, without offence, communicate his obſervations upon a ſubject of ſuch importance.

A. R.

*Temple, Oct.* 17.

## LETTER IV.

SIR,

I CONCEIVE that I have proved to the ſatisfaction of every impartial perſon, that though the Impeachment, in the year 1701, in King William's reign, ran in the name of *all the Commons of England*, the *people* were exceedingly averſe to the whole proceeding. They did not call upon the new Houſe to reſume the Impeachments, much leſs did Parliament think that it was *obliged to reſume them*, becauſe the former Houſe preſented them in the name *of all the Commons of England*.

When the new Parliament met in 1701-2, *a general war appeared to be inevitable*, and did in fact break out in a very few months. The four impeached Lords were appointed to great employments: ---- Lord Portland was created a Duke; Lord Halifax an Earl, and placed in high office; Lord Orford (the gallant Admiral Ruſſel) was at the Head of the Admiralty, and Lord Somers, Preſident of the Council, and the Leader of the

the Whigs, in the reign of Queen Anne; yet there is nothing, however atrocious, which comes under the deſcription of High Crime and Miſdeameanor, that the Houſe of Commons did not lay to the charge of thoſe noble Lords---*acquiring for themſelves and their dependants enormous wealth---an abuſe of the confidence repoſed in them by their Sovereign---flagrant violations of the Laws of their Country---bringing diſhonour upon England, in the eyes of all Europe.* How was it poſſible that the Impeached Lords, or the Country could have ſat eaſy under ſuch Charges, if it were not true, as I have already remarked, that theſe heavy accuſaſations were not the accuſations *of the People of England*, but *of the majority of their Repreſentatives*; and the next Parliament *not renewing them*, they *fell to the ground.* I will not inſult the memories of thoſe noble Lords, by ſaying that they were *acquitted.* Three were brought indeed to what the Commons juſtly called *a pretended Trial*; the fourth, though the firſt impeached, was never arraigned at all.

The Charges againſt theſe Lords, were awful, ſerious, and heavy, but they were the

Charges

Charges of a Majority of one Houſe of Commons, which the ſucceeding Parliament *declined to follow up*. *The People*, in whoſe name the Commons impeached, were ſtrongly in favour of the Impeached Lords, and in this particular the caſe of Mr Haſtings bears a very cloſe analogy, for it is a fact which no man who mixes with the world, either in town or country, will diſpute the truth of, that the Impeachment of Mr. Haſtings is very generally unpopular *amongſt the People*. Why it ſhould be ſo, when ſuch infinite pains have been taken to make it otherwiſe, and when it is the only point in which Miniſters, and Ex-Miniſters agreed, I will not preſume to ſay, but the following obſervations have frequently been made in my preſence.

Many have obſerved, that the guilt of Mr. Haſtings muſt be of a very ſingular nature, ſince ſo much time and trouble is neceſſary to diſcover it.

Many have ſaid, that they were really inclined to have a very bad opinion of Mr. Haſtings, from the ſtrong language held by the Managers in the outſet of the Impeachment,

ment, but finding that in three years, they have not ventured to cloſe their cauſe, and finding alſo that Mr. Haſtings is ſo highly ſpoken of throughout India, where every ſtep taken againſt him is fully known, they now look upon him as a very great, and a very injured man.

Many have obſerved, that the Managers ſo far from proving what their Articles aſſert, that Bengal has been ruined and depopulated under the Britiſh Government, have eſtabliſhed by evidence in Weſtminſter Hall, the truth of Mr. Dundas's aſſertions in the Houſe of Commons, that Bengal has conſiderably improved under the adminiſtration of Mr. Haſtings, and is the very beſt governed country in Indoſtan.

Many (and of theſe I am one) are ſo alarmed at the precedent which has been ſet of continuing a criminal trial for three years, that they think no man can be ſecure in his perſon, or his property hereafter, and that it renders nugatory a very laudable Reſolution of the Commons, that in Trials by Impeachment, a Britiſh ſubject ought to be ſpeedily acquitted or condemned, as well as in all other Trials.

Many,

Many, who well recollect the dreadful denunciations of parliamentary vengeance, which were thundered againſt thoſe Miniſters who doubled our debt, and diſmembered our Empire, are grieved and ſurpriſed to ſee them in the peaceable enjoyment of penſions and ſinecures, while the publick are ſinking under the weight of taxes, and while a lingering proſecution is carrying on againſt a man, who by the confeſſion of his bittereſt enemies, preſerved India to Great Britain during the late war.

Many, who are from principle moſt ſincerely attached to Mr. Fox, deplore the Impeachment as the moſt unfortunate event that could have happened for that Gentleman; they obſerve, that it has not gained him a ſingle friend throughout the country, but has materially injured the reputation which the world gave him for political foreſight, ſince he has been ſo palpably the dupe of a man of leſs talents, but of more cunning than himſelf.

Many who originally applauded the management of the Miniſter in throwing out ſuch a tub to the whale, begin now to ſee the buſineſs in a very different point of view,

they

they declare very publicly, that no miſerable ſcheme of temporary policy can juſtify that ſort of oppreſſion, to which Mr. Haſtings has been expoſed.

Many who approve that declaration of rights, by which it was affirmed at the Revolution *that exceſſive fines ought not to be impoſed*, are ſeriouſly alarmed at the diſcovery *of a new mode of impoſing an exceſſive fine*, that is to ſay, by bringing that ſort of accuſation againſt a man, which has been proſecuted in that part only in three years, at an expence to the nation of Thirty-four Thouſand Pounds, and at a coſt to the individual proſecuted, *far beyond the fine that could have been impoſed, had he been found guilty*; for the injury to Mr. Haſtings and to the Conſtitution is the ſame, whether it ariſes from the improper mode of drawing the Articles originally---from the miſconduct of the Managers, or from the delay of the High Court of Juſtice; and I have heard it attributed ſometimes to the one, and ſometimes to the other.

Many who feel the preſſure of taxes in this Country, to lie ſo heavy, that they

can ſcarcely ſubſiſt under them, are aſtoniſhed that Mr. Haſtings ſhould be impeached for calling upon a ſubject of the State over which he preſided, to contribute a ſmall proportion to the maintenance of an expenſive war; and they are ſtill more aſtoniſhed that the Miniſter ſhould ſo fully have juſtified that Act, and yet have taken no ſtep whatever, to prevent its being an Article in the Impeachment.

Many are confounded at the declaration they have heard ſo confidently uttered, that the Articles were paſſed by the Houſe of Commons, without examination or debate. A fact they are inclined now to believe, as three years have been ſpent in going through three and a part of two more, while the Commons voted the whole twenty, after a few days examination.

Theſe, Sir, are opinions that I have heard, that you, I dare ſay, have heard too, and that every Gentleman who is not ſo wedded to a party as to confine his converſation to any one particular ſet of men, muſt have heard alſo.

Theſe ſeveral opinions may be very erroneous—but that they are held by a very great majority of the people is beyond a doubt. Under ſuch circumſtances therefore, it is a moſt fortunate event, that both by precedents, and by common-ſenſe, the Impeachment is dead and gone in the Commons, whatever it may be in the Lords. But no ſolid reaſon ſtrikes me why this Houſe of Commons may not again impeach Mr. Haſtings, after it has appeared by a previous, ſolemn, and judicial enquiry, that he merits Impeachment; but for the preſent Parliament, *to adopt as their own*, Twenty voluminous Articles, merely becauſe a majority of their predeceſſors voted them in the name of *themſelves and of all the Commons of Great Britain*, would be an act of ſuch a nature, that a rational being would doubt whether it excelled moſt in injuſtice, or abſurdity. Mr. Haſtings at this moment ſtands preciſely in the ſituation that the Four Impeached Lords did, after the diſſolution in November 1701, and prior to the firſt meeting of the new Parliament. The Articles againſt theſe Lords are ſtill

upon the Journals of both Houſes, and are, to this day, unrefuted— but not being followed up, they have obtained no credit with poſterity. The Articles againſt Mr. Haſtings are alſo upon the Journals of both Houſes. If the preſent Houſe ſhall examine the allegation in each Article (for each Article, contrary to former precedents, contains a great variety of facts alledged to be criminal) and vote them to be High Crimes and Miſdemeanors, then the accuſation will aſſume a ſerious form, but the Articles as they now ſtand, are nothing more than the affirmations of the Majority of a Body, not in exiſtence, and it has been ſo confidently aſſerted, I know not how to refuſe giving credit to it that two thirds of theſe Articles never were read at all, by the Body that did paſs them, and that the ſeveral points of criminality in the remaining Articles were not ſeparately voted.

It has been too much the faſhion to call every man, who wiſhes to appeal to the common ſenſe of mankind upon this ſubject, the Advocate of Mr. Haſtings. I have not taken up the cauſe as his advocate, but from a love of juſtice. If he is guilty, I wiſh

wiſh him to be puniſhed as every man in England ought to be puniſhed, *by the Sentence of a Court of Juſtice.* That the guilt of Mr. Haſtings was not proved in the firſt, ſecond, or third year of the trial, I believe, becauſe I have that opinion of the good ſenſe and ability of the Managers, as induces me to think that the moment they had eſtabliſhed Criminality they would have cloſed their Caſe, for they are not ignorant of the ſentiments of the country at large upon this Trial. I alſo believe that they brought forward their ſtrongeſt Articles firſt; this they would do out of reſpect to the Body whoſe Delegates they were, and from that ſort of perſonal and venial pride, which ſpurred them on to diſplay their own talents.

The "Law's delay" is often complained of, and ſometimes with reaſon, but in our Courts, we have no inſtances of the protraction *of a Criminal Trial*, nor did we ſuppoſe until now, that it could happen *in a Criminal Trial by Impeachment.*

Mr. Haſtings approaches, as I underſtand, to ſixty years of age, and left his native country above forty years ago. Any annuitant

nuitant will tell you that the chances were againſt his living to ſee the death of the laſt Parliament; and had he died in the firſt year of the trial, his character muſt have been blaſted to the lateſt poſterity. It now ſtands high throughout all Europe and Aſia, but the final ſeal muſt be put upon it by the preſent Houſe of Commons.

If they do not impeach again, poſterity will view the Articles which were exhibited againſt him, as they view the Impeachment of Lord Somers.—If they do impeach, I firmly believe there are Gentlemen *of my profeſſion* in this Houſe who will exert every nerve in the cauſe of juſtice; who will follow the line taken up by the Solicitor General (Sir John Scott) in the laſt Parliament, and I dare ſay the Houſe will adopt their advice, namely, that a ſeparate queſtion ſhall be put upon each fact, which any Member ſhall ſtate to be criminal; that articles ſhall then be drawn out, *ſhort*, *ſpecific*, and *pointed*; that the Houſe having thus reſolved upon what points it ſhall impeach, ſhall before the commencement of the Trial take proper meaſures to carry into effect the virtuous

tuous and conſtitutional Reſolution of a Whig Parliament in the reign of King William, viz.

" That it is the undoubted right of every ſubject of England, under any accuſation, *either by impeachment or otherwiſe*, to be brought to *a ſpeedy trial*, in order to be acquitted, or condemned."

A. R.

*Temple, Oct.* 18, 1790.

LETTER

## LETTER V.

SIR,

HAVING ſtated what has been done upon former Impeachments, from the authority of the Journals of Parliament, I ſhall trouble you with ſome remarks of a cotemporary Hiſtorian upon thoſe proceedings.

Biſhop Burnet was a prelate of the ſtricteſt integrity, a ſtaunch Whig, and a ſteady aſſertor of civil and religious liberty. He has entered very fully into the Caſes of Lord Danby, in 1678, and of the four impeached Lords, in the reign of King William.

The Biſhop tell us, that after Lord Danby had been impeached, Charles was perſuaded by the Marquis of Halifax, and the Earl of Eſſex, by diſſolve the Parliament "as they had engaged ſo far in the "Excluſion Bill, and the Impeachment of "Lord Danby, they could not let them fall, "whereas a new Parliament though com-"poſed of the ſame Members, not being "yet

" yet engaged, might be perſuaded to take " other methods."

The ſcheme did not ſucceed, for he was attacked with the ſame violence by the next Houſe of Commons, and pleaded the King's Pardon, but as it was granted ſubſequent to the Impeachment, the Commons in a ſolemn Addreſs to the Throne, declared it to be illegal and invalid. His Lordſhip remained ſeveral years in priſon, was bailed by the King's Bench, and diſcharged without a trial in the reign of James the Second.

For his ſervices at the Revolution, William created him Marquis of Carmarthen, and appointed him to be Preſident of the Council. Had Impeachments been any thing but the Acts of a body ſubject to diſſolution, the Commons would have reminded King William, that they had impeached Lord Danby of High Treaſon in 1678, that they had twice demanded Judgment againſt him *in the name of the Commons of England*, that they had invariably denied the legality of his pardon, and contended that the Lords had no right to diſmiſs the Im-

peachment, on account of a former diſſolution; as the Revolution had reſtored the Britiſh Conſtitution to its former energy, they inſiſted, *in behalf of the Commons of England*, that Lord Danby, *who had been impeached in their name*, ſhould be brought to a trial. Such muſt have been the language of the Commons were it not the law, and the practice of the Conſtitution, that an Impeachment is ended by a Diſſolution, though it is the undoubted privilege of the Commons to impeach again, as often as they think fit.

The Biſhop tells us that a plan was laid by the Earl of Shrewſbury and others, in 1690, to ruin the Marquis Carmarthen. To effect this, they renewed a former queſtion in the Houſe of Lords, viz. Whether Impeachments continued from Parliament to Parliament? intending if they carried the Queſtion to revive the old Impeachment of the Marquis, but they loſt the Queſtion upon a diviſion by a great majority, and the Lords Saliſbury, and Peterborough, upon whoſe Impeachments the debate aroſe, were in conſequence diſcharged. This being

being a ſolemn deciſion, and a ſecond deciſion upon the ſame queſtion, muſt bind the Lords, unleſs they chuſe to reverſe it, in the Impeachment of Mr. Haſtings.

Doctor Burnet has given the cleareſt account of the Impeachment of the Lords Somers, Portland, Halifax, and Orford, that I have yet ſeen. He ſays that after the turbulent Seſſion in which theſe Lords were impeached was cloſed, it became a queſtion with the King, "Whether the Parliament ſhould be continued or diſſolved? "Some of the leading men of the former "Parliament had been ſecretly aſked how "they ſhould proceed, if they ſhould meet "again? Of theſe, while ſome anſwered "doubtfully, others ſaid they ſhould begin "where they had left off, *and would inſiſt "on their Impeachments.* The new Mi-"niſtry ſtruggled hard againſt a diſſolution, "and when they ſaw the King reſolved on "it, ſome of them left his ſervice."

This is a clear ſtatement of the buſineſs. The Commons impeach; they accuſe the Lords of denying juſtice to the People of England by bringing the perſons impeached

to a pretended trial; the King prorogues while the Houſe is in a flame; he diſcovers that they will meet in the ſame ill humour again; he diſſolves them, they are returned to the maſs of the people, and the new Parliament, though with the ſame Speaker in the Chair, entertains very different ſentiments as to the Four Lords, or they would have impeached them again, immediately upon their meeting.

Since I began theſe Letters I have read a very valuable Book, upon the Impeachment of Mr. Haſtings, written by a Gentleman of the name of Broome; he has cleared up many points, upon which I have entertained ſome doubts. He concludes by a very able diſſertation upon Impeachments, and with ſome remarks upon the particular Caſe of Mr. Haſtings, in ſome of which I materially differ with him.

Every one muſt agree with Mr. Broome, that unleſs the Lords reverſe their laſt Order, the Impeachment is at an end, but that the Commons may begin *de novo*, as they did in the Caſe of the Duke of Buckingham, in the reign of James the Firſt, which Caſe he particularly cites.

Mr.

Mr. Broome ſuppoſes that the preſent Houſe from the dread of the length of the Trial, or from a conviction of the innocence of Mr. Haſtings ſhould not impeach again; then ſays he, Mr. Haſtings will be in a moſt miſerable predicament becauſe the Trial, as far as it has gone, will be printed, and poſterity will not think the Managers would have ſaid ſo much without ſome foundation.

In this point I totally differ from Mr. Broome; perhaps that Gentleman may tell me from the manner in which I conſider the caſe, that it is impoſſible for a lawyer to get out of the trammels of his profeſſion. It is the juſt maxim of our law, that innocence is to be preſumed until guilt is proved; poſterity will never loſe ſight of this maxim in judging of Mr. Haſtings. Mr. Broome has himſelf very clearly proved that in the caſe of Mr. Haſtings, the principal facts are admitted. The material queſtion is, whether theſe facts be criminal, or meritorious? With all my reſpect for a majority of the Houſe of Commons, I ſhall not believe a fact to be criminal, becauſe they aſſert it to be ſo, and without meaning offence

to

to Mr. Burke, Mr. Sheridan, or Mr. Fox, I ſhall give more credit to what they prove, than what they ſay, on any ſubject in which Mr. Haſtings is concerned.

Mr. Fox aſſerted it to be highly criminal in Mr. Haſtings to levy five lacks annually from Cheyt Sing during the late war. Mr. Pitt with equal ſolemnity affirmed, that it was in the higheſt degree meritorious in Mr. Haſtings to do ſo. Yet Mr. Pitt and Mr. Fox divided together, and moſt unqueſtionably this is the point upon which all the criminality alledged in the article muſt turn. Yet upon this fact, the Houſe never came to a vote; it was included amongſt a number of others, all forming one charge. Every man knows the diſtinction which Mr. Pitt took---the *propoſed* fine exceeded in his opinion the *actual offence*. Light and darkneſs are not more different than the grounds upon which Mr. Pitt and Mr. Fox jumped to the ſame concluſion. This is but one of a great number of points in which, if there ſhould be a new impeachment, the Houſe will determine ſo clearly, that we ſhall not be left to wander and wonder, as we did in the laſt Parliament.

But

But were Mr. Haſtings in the miſerable predicament which Mr. Broome ſuppoſes, can he get out of it by the trial going on upon the preſent articles? Then would he, indeed, be in a moſt miſerable predicament. It would depend entirely upon the Managers to make the trial ſhort or long as they pleaſed; and admitting that they ſhould abandon the whole ſixteen remaining articles, poſterity would ſay, though theſe ſixteen articles were abandoned, there can be no doubt of their truth and importance, becauſe one Parliament paſſed them, and a ſecond adopted them.

If Mr. Broome has given a fair and candid account of Mr. Haſtings's conduct, and I have no reaſon to think he has not, it is moſt fortunate for the cauſe of juſtice, and for the honour of Great Britain, that if there ſhould be a new trial, there ſhould be a new indictment.

Mr. Broome has very properly commented upon the injuſtice which Mr. Haſtings ſuſtained by the introduction of a ſtory which applied to no part of the indictment. The name of Deby Sing was never mentioned

tioned in the Houſe of Commons, and it is certain that there is no allegation in any one article to which any thing that was ſaid of that man can apply; becauſe, the Lords peremptorily refuſed to hear any evidence relative to the cruelties which were charged upon him by Mr. Burke.

As the Houſe, whoſe Delegate Mr. Burke was, had never charged Mr. Haſtings with being acceſſary to cruelties committed by Deby Sing, nay more, as the Houſe had never heard that Deby Sing had himſelf been guilty of any cruelties, I agree that it was highly unjuſt in Mr. Burke to dilate as he did upon them. I think with Mr. Broome, that it had much the appearance of a ſtage trick.

Mr. Burke is a frail individual ſubject, ſubject in commonwith all mankind to weakneſſes, prejudices, and paſſion. He ſtaked his own reputation upon the truth of that ſtory, and when he found that the Lords would not admit his evidence upon points not in the indictment, Mr. Burke in juſtice to his own character, and in compliance with the prayer of a petition from Mr. Haſtings

ſhould

ſhould have gone to his conſtituents and ſtated grounds for making *that* an article which the Lord Chancellor had ſaid was of ſo dreadful a nature, that all the other articles ſunk to utter inſignificance in the compariſon with it. Mr. Haſtings has been completely exonerated by the ſilence of Mr. Burke, but the reputation of Mr. Burke received ſo ſevere a wound, that it will not be healed by any thing he can write in favor of Ariſtocracy.

Let this reaſoning be continued and it acquires additioual force. The articles voted by the laſt Parliament can have no more weight now, in a Parliamentary light, than the aſſertions made by Mr. Burke relative to Deby Sing had in the laſt Parliament.

The Lords could not take notice of any thing Mr. Burke ſaid that had no reference to the indictment; and what notice can they take of articles paſſed by a body that has no exiſtence? What does this Parliament know of them? Would it not be infinitely more abſurd for Mr. Haſtings to anſwer to thoſe articles now than it would

have been to have anſwered what Mr. Burke alone, and without any authority, charged him with in his opening ſpeech?

While the Parliament exiſted, Mr. Haſtings was impeached upon articles paſſed by the Knights, Citizens, and Burgeſſes in Parliament aſſembled. I can ſay now, after conſulting the Journals, that the debate was upon the firſt ſix articles, and that a majority of eighty-ſix gentlemen, many of whom are not now in Parliament, determined that that report ſhould be read a ſecond time: ſo that upon the queſtion of impeachment, the numbers were one hundred and ſevenenty five *for*, and eighty-nine *againſt*, the impeachment.

Upon the ſeventh article which Mr Pitt ſtrenuouſly oppoſed in the firſt ſtage, there was neither a debate nor a diviſion; and upon the laſt thirteen, as ſo much has been ſaid in the Houſe of Commons, I ſhall merely obſerve in this place, that the Member who has pledged himſelf to prove they were paſſed without its being poſſible that they ſhould have been read, is bound in honour to eſtabliſh the fact, or he will

be

be deemed a foul callumniator by every honeſt man.

That the caſe of Mr. Haſtings is a very cruel one, unprecedented in a free country, or, indeed, in any country upon earth, I admit; but that his character will be injured in this age, or with poſterity, by any thing that has paſſed, I do not believe. Had Mr. Haſtings died in the firſt year of his trial, (and we are all mortal) then I agree, that his reputation muſt have ſuffered, for the world would have given the Commons of Great Britain in Parliament aſſembled, credit for having evidence at hand to ſubſtantiate the ſtrong aſſertions of their Managers. There was no man ſo ſilly as to entertain the ſame opinion at the cloſe of the ſecond year.

What Mr. Haſtings's wiſhes may be, I neither know nor deſire to know. He may think it for his advantage that the trial ſhould go on to its cloſe upon the preſent articles. But of this I am ſure, that ſuch a determination would be illegal, and unjuſt to the laſt degree to the publick: I think it would be equally injurious to Mr. Haſtings himſelf.

In the firſt place, all the articles that might be abandoned, would by receiving the ſanction of two Parliaments, acquire a character with poſterity, which at preſent it is doubtful whether they are entitled to.

And ſecondly, though I have looked over the articles more as a Lawyer than as a Stateſman, I can diſcover many facts for which they do not condemn Mr. Haſtings, ſo much as they do the ſyſtem by which India was governed, and is governed at this moment. But there is a third point which every Engliſhman will wiſh to have determined---Mr. Pitt expreſly ſtated, that in his opinion it would be highly inconſiſtent and abſurd to look upon Mr. Haſtings as a culprit for any meaſures taken by him previous to his nomination to the office of Governor General by Parliament, which was in itſelf the higheſt certificate of their approbation. A ſimilar declaration was made by Mr. Ilay Campbell, now Lord Preſident of the Court of Seſſion, in Scotland. The laſt Houſe, however, did vote a variety of criminal charges for acts done previous to Mr. Haſtings's Parliamentary appointment. The

publick

publick has a right to know whether theſe charges were voted haſtily or after due deliberation.

If I ſhould have the honour to be a Member when the queſtion of a new impeachment comes on, I ſhall think it a duty which I owe to myſelf, to my country, and to Mr. Haſtings, to inſiſt that when a charge ſhall contain a variety of criminal allegations, a ſeparate vote ſhall be put upon each, and that Mr. Burke, or any other Member who produces the charge, ſhall ſhew me the point of evidence by which he hopes to ſubſtantiate it in a Court of Juſtice. By any other mode this Houſe might be caught in a trap; for a charge may be ſo drawn as to ſuit every taſte, and by coming to a fort of a ſweeping vote, as the laſt Houſe did, that ſomething is impeachable in an immenſe maſs of matter, without ſtating what that ſomething is, the Houſe (as the Solicitor General, Sir John Scott, obſerved in the laſt Parliament) might vote a number of general reſolutions, whereas if they were to come to a vote upon every fact ſtated to be criminal in each reſolution, not

one of the charges might ultimately be voted by the Houſe.

The advice which the laſt Houſe did not attend to, the preſent I dare ſay will follow.

If it ſhall appear that there is no ground to impeach Mr. Haſtings again, juſtice will be done to him. If he ought again to be impeached, that ground of impeachment muſt be fully ſtated, and each criminal fact laid to his charge muſt be fairly examined, before the Houſe ſhall vote it. To adopt twenty voluminous articles, becauſe the laſt Parliament voted them, would I am ſure be an act of the moſt flagrant injuſtice to the public, and I think very unjuſt to Mr. Haſtings alſo, though his friends perhaps may be of a different opinion.

But when I ſay this, I do not diſpute the power of the Houſe of Commons---they may, if they pleaſe, vote them, in confidence; but I have too high an opinion of their juſtice to think that they will do ſo.

A. R.

*Temple, Oct.* 22, 1790.

THE END.